



Brian Hogan, L.A. County DPW  
George Muse, MWDSC  
Gwen Tellegen, Estate of Albert Levinson  
Jim Powers, Estate of Albert Levinson  
Lucia McGovern, West Basin MWD  
Counne Veron, Lyonnaise des Eaux  
Richard Kebabtian, L.A. County Health  
Dept.  
Larry Smith, Jr., Port of Los Angeles  
Todd Le, Port of Los Angeles  
Jim Henson, Resident-Thousand Oaks  
Tad Foster, Law Office of Tad Foster  
Bruce Morden, CA DHS Food & Drug  
Neil Quidway, Concerned  
CitizensThousand Oaks  
Cathy Murillo, Thousand Oaks Star  
Sharon Green, LACSD  
Randal Orton, LVMWD  
Jim Colston, Orange County San. District

Richard Brown, PCR Irvine  
Daryl Reynolds, Resident-Thousand Oaks  
Mike Mullin, City of Los Angeles  
Reddy Pakala, VCWMD  
Eric Oltmann, County of Ventura  
Chris Buckett, City of Thousand Oaks  
Appeals Bd.  
WilliamGibson, L.A. Weekly  
Barbara Stein, Resident-Newbury Park  
Grant Brimhall, City of Thousand Oaks  
Christina Harrison, Citizen  
Cathy Schutz, Citizen  
Debbie Gregory, Resident-Thousand Oaks

### **Pledge of Allegiance.**

1. Roll Call.

*A roll call was taken with all members present except for Beth Rogers who arrived at 9:20.*

2. Order of Agenda.

*The Executive Officer recommended the following changes to the agenda:*

- *Item 7.4 be removed from the consent calendar and continued until a future meeting.*
- *Items 6.1, 6.2, and 7.1 - 7.3 be continued until a future meeting.*
- *Item 11 be continued until the September 14, 1998 Board meeting.*

MOTION: By Ms. Craven, seconded by Mr. Milam, and approved on a voice vote.

3. Approval of Regular Minutes of June 29, 1998.

*A motion was made to adopt the minutes with the following amendment to Item 7.4:*

*Additional language added:*

1. *Storm runoff from all areas where animals are confined be segregated.*
2. *Within 90 days from the effective date of this Order, the discharger shall develop the Best Management Practice (BMP) report.*

MOTION: By Ms. Craven, seconded by Mr. Milam, and approved on a voice vote.

4. Uncontested Items Calendar.

#### **NPDES PERMITS**

##### **New**

6.1 Pacific Refining Company (Former Western Fuel Oil), San Pedro

##### **Recission**

6.2 Boeing North American Inc. (Rocketdyne Division), Canoga Park

#### **NON-NPDES PERMITS**

##### **New**

7.1 Los Angeles Harbor Department (Berths 118-120 Maintenance Dredging Project)

##### **Revision**

7.2 The Estate of Albert Levinson dba Brea Canyon Oil Company (Dominguez Hills and Wilmington Oil Fields)

*There was a motion to adopt the consent calendar as items 6.1, 6.2, 7.1 - 7.3.*

MOTION: By Ms. Craven, seconded by Mr. Milam, and approved on a voice vote. Mr. Slezak abstained from voting on item 6.2.

#### **PUBLIC FORUM**

5. Public Forum.

*Terry Tamminen, Santa Monica BAYKeeper gave a presentation to the Board regarding ongoing junkyard litigation matters. He asked that the Board make enforcement of industrial stormwater permits a priority and suggested improving future Best Management Practices (BMP), inspections, monitoring and sampling for stormwater permits.*

*Richard Sweet, Surfrider Foundation gave a presentation to the Board asking that language be added to appropriate future permit requirements to include a "reuse/recycle" clause.*

*Randal Orton, Las Virgenes Municipal Water District (LVMWD) gave a presentation to the Board clarifying his statement made at the most recent Board meeting regarding the Tapia permit. He stated that Tapia did submit cost estimates for prohibition.*

*Mark Gold, Heal the Bay, gave a presentation to the Board expressing his concerns on all projects for the lack of monitoring and control of disposal of dredged materials.*

### **Other Business**

8. Consideration of a Memorandum of Understanding (MOU) Regarding the Los Angeles Basin Contaminated Sediments Task Force.

*Staff member Catherine Tyrrell gave a presentation asking the Board to approve the signing of a Memorandum of Understanding (MOU) and subsequent amendments by the Executive Officer regarding the L.A. Basin Contaminated Sediments Task Force.*

**MOTION:** By Mr. Milam, seconded by Ms. Craven, and approved on a voice vote.

9. Consideration of Approval of a Resolution Authorizing the Executive Officer to Execute  
a Settlement Agreement to Resolve Administrative Civil Liability Complaint Order No. 98-002 in Conformance with the City's Proposal.

*Jorge Leon, Legal Counsel gave a presentation to the Board asking them to approve a draft Resolution authorizing the Executive Officer to negotiate and execute a settlement agreement to resolve ACL Order No. 90-002. He informed the Board that in conformance with the City of Los Angeles' proposal to conduct a Supplemental Environmental Project (SEP), the City will identify all industrial sites that do not have a permit to discharge.*

*Mark Gold, Heal the Bay, gave a presentation to the Board expressing his strong support for the proposed SEP.*

*Terry Tamminen, Santa Monica BayKeeper gave a presentation to the Board updating them on 60 of 360 Industrial NOIs filed by the Environmental Groups. He expressed his support of the proposed SEP which includes identifying Industrial dischargers. Mr. Tamminen also commended staff member Dan Radelescu for his assistance with the stormwater Industrial permitting issues.*

*After discussion by the Board, Mr. Coe recommended that henceforth, the criteria used by the Board for selecting SEPs be as follows:*

- 1. consistent with the Board's Strategic Plan;*
- 2. directly related to the Board's annual priorities.*

**MOTION:** BY Ms. Craven, seconded by Mr. Milam, and approved on a voice vote.

The Board recessed at 10:15 a.m. The meeting reconvened at 10:30 a.m.

10. Administrative Civil Liability (ACL) Complaint Against the City of Thousand Oaks.

*A public hearing was conducted to receive evidence concerning ACL Complaint No. 98-024 issued to the City of Thousand Oaks for a sewer line rupture on February 3, 1998, which resulted in the discharge of 86 million gallons of raw sewage. Mr. Coe recused himself from the hearing and did not participate due to a possible conflict of interest.*

*The Executive Assistant read the opening statement and the Chairman opened the public hearing and gave the oath to those testifying before the Board. The Chairman requested that the Board hold their questions until after each party presented their testimony. The order of testimony was determined that staff be allowed one hour of testimony, the City of Thousand Oaks two hours, and interested persons two minutes each because of the large number of speaker cards submitted.*

*Prior to the City's presentation, Mr. Robert Bonner, Legal Counsel for the City raised an objection to evidence being presented by staff, indicating that the City had no prior knowledge of the documents to be presented by the Board, and requested that pages 160-211 pages of the Board Agenda of Aug. 3, 1998 not be accepted into the record. He also requested that the most recent spill (July 1998) not be allowed as evidence because it had no relation to the February 3, 1998 spill. Jorge Leon noted that most of the documents to which the City objected were obtained from the City itself and recommended that the City's request be denied.*

*Chairman Slezak denied Mr. Bonner's first objection since the noted documents were documents provided to staff from the City's files. On the second objection, the Board made a decision that if evidence was presented regarding the February 3 spill, it would be assessed and subject to the City's objection to determine its relevancy and appropriateness to be heard.*

*Dennis Dickerson gave a presentation to the Board that included events surrounding the release of raw spillage. Video footage of a January 19, 1996 Town Meeting with the Thousand Oaks City Council; and a October 17, 1995 Council Meeting was presented. He asked that the Board consider the penalty for the ACL issued on May 15, 1998 to be appropriate, and that the Board take action to either affirm, modify, or rescind the ACL.*

*There was discussion whether Beth Rogers should be recused from participating in the hearing due to a possible conflict of interest. Jorge Leon interjected that he had just conferred with Beth Rogers and reported, that following presentation of a video showing flow across a field next to the creek, the question arose whether she (as an agricultural landowner in the vicinity) should recuse herself. Mr. Bonner stated that the City had no objection.*

*Jorge Leon, Regional Board Legal Counsel, presented an overview of legal issues involved, including his opposition to the City's Upset Defense.*

*Dennis Dickerson completed his presentation by informing the Board that the penalty amount of approximately \$2.1 million was determined as follows: \$1.9 million for beach*

closure costs, \$10,000 each day for illegal discharge, \$74,000 for avoiding costs, and \$21,000 staff costs.

*Dennis asked that the original penalty amount be modified as follows due to technical changes: A reduction of \$100,000 to \$1,800,000 for the economic impact associated with beach closures; \$10,000 each day for illegal discharge; increased or avoided costs of \$260,000 due to replacement project delays, and increased staff costs of \$18,000 (257 hours @ \$70 per hour); totaling the new penalty amount of \$2,293,000.*

*Mr. Bonner gave his opening remarks prior to the Board recessing for a closed session. The Board recessed for a closed session at 12:30 p.m to discuss the Charnock MTBE Investigation issues and personnel matters. The meeting reconvened at 1:20 p.m.*

*Adrian Griffin, Senior Economist, SWRCB, gave a presentation to the Board defining his analysis developed to estimate costs incurred to the public resulting from the beach closures. He stated his estimation at approximately \$24.00 per day or \$500,000 - \$1.0 million total.*

*Ted Hromadka, Director and Principal Engineer, Exponent Failure Analysis, gave a presentation to the Board on behalf of the City expressing the exceptional natural events that caused the washout on February 3, 1998.*

*Don Nelson, Director, City of Thousand Oaks Dept. Public Works, described the history and design of the Unit W Wastewater Line, and answered questions of Mr. Bonner regarding the video used in the staff presentation, Unit W inspections, and the February 3, 1998 washout.*

*Dick Barden, Boyle Engineering, gave a presentation to the Board regarding the Unit W Line's historical events of 1978-1987 including the original design of the water system. He also addressed the issue of whether the Unit W Line replacement project could have been done in time to avoid the washout of February, 1998.*

*Ms. Rogers left the meeting at 3:00 pm.*

*Mr. Richard McCann, Economist, testified on behalf of the City that based on his M-Cubed analysis conducted, the estimated damages due to beach closures were estimated at approximately \$213,000.00.*

*Mr. Matt Ingamells, Ecologist, Padre Associates, testified on behalf of the City of Thousand Oaks summarizing his findings that no significant impact occurred to the ecosystem due to the sewage spill.*

*Judy Lazar, Councilmember, City of Thousand Oaks, testified on behalf of the City asking that the Board stick to the facts and evaluate the information received on a factual basis. She informed the Board of the City's funding issues related to the 1995 Improvement Program and the 1995 Capital Improvement Plan. She commented on her opinion of the fairness of the amount of fine being imposed by the Board, and stated the fine would inflict a severe hardship on the City residents.*

A 10 minute recess was taken at 3:30. The meeting reconvened at 3:45.

*The Board asked questions of the witnesses who gave testimony. Mr. Bonner gave his closing summational remarks. Mr. Tad Foster, Legal Counsel, City of Thousand Oaks answered questions of the Board.*

The following interested persons testified before the Board:

1. Mike Schulz, U.S. EPA
2. Mark Gold, Heal the Bay
3. Alex Helperin, NRDC
4. Steve Fleishli, Heal the Bay (testified for Terry Tamminen, Santa Monica BAYKeeper)
5. Debbie Gregory, Citizen
6. Nick Quidwai, Citizen
7. Jo Terrusa, Citizen
8. Jacqueline Lambrichts, Friends of LA River
9. Richard Sweet, Surfrider Foundation
10. Neil Moyer, Environmental Coalition of Ventura County
11. Frank Angel, Surfrider Foundation
12. Steve Fleishli, Heal the Bay
13. Ralph Sugg, Heal the Bay
14. Sal Terrusa, Resident
15. Judy St. John, Resident
16. James Aidukas, Resident
17. Nora Aidukas, Resident
18. Marshal Dixon, Resident
19. Raul Gutierrez, Resident
20. Kathy Schutz, Resident
21. Christina Harrison, Resident
22. Arthur Goulet, Director, Public Works, Ventura County
23. Chris Buckett, Resident
24. Barbara Stein, Resident (submitted written testimony only)

A recess was taken at 6:20 p.m. The meeting reconvened at 6:35 p.m.

*Staff Member Deborah Smith gave rebuttal responding to the Ecological Impact Assessment conducted by Padre Associates for the City. Jorge Leon and Dennis Dickerson gave their rebuttal closing remarks.*

*Mr. Bonner gave his rebuttal and closing remarks. The Chairman closed the public hearing. After discussion of the Board, Mr. Keston made a motion to approve staff's recommendation of a \$2,293,000 penalty. The motion included the following:*

*The penalty be utilized for Supplemental Environmental Projects (SEP) to fund the development of TMDL for the Calleguas Creek and Magu Lagoon areas and perhaps certain dollars for Ventura County shoreline monitoring. He suggested that those*

*dollars be spent over a period of not to exceed five years. He suggested that none of the funds be used for the Cleanup and Abatement account. He later revised his motion, and suggested that \$100,000 be used for the Cleanup and Abatement account. His revised motion also suggested that \$100,000 be sent to the Cleanup and Abatement Account over 5 years at \$20,000 a year.*

MOTION: By Mr. Michael Keston, seconded by Marilyn Lyon, and approved on a voice vote.

16. Adjournment of Current Meeting.

*The meeting was adjourned until the next regular meeting on September 14, 1998.*  
*Item Nos. 12 - 14 were not heard during this meeting and will be heard at the September 14, 1998 Regular Board meeting.*